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Attorneys for Plaintiff Rabo AgriFinance LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: McCLAIN FEED YARD, INC., McCLAIN FARMS, INC., AND 7M CATTLE FEEDERS, INC., Debtors. ¹	Chapter 7 CASE NO. 23-20084-rlj Jointly Administered
RABO AGRIFINANCE LLC, <i>Plaintiff,</i> v.	ADV. PROC. NO. 23-02005-rlj Honorable Robert L. Jones

¹ The Debtors in these jointly administered cases are: (1) McClain Feed Yard, Inc. (Case No. 23-20084); (2) McClain Farms, Inc. (Case No. 23-20885); and (3) 7M Cattle Feeders, Inc. (Case No. 23-20886). All three cases are being jointly administered under the case number for McClain Feed Yard, Inc.

ACEY LIVESTOCK, LLC et al.,

*Defendants.*²

**DECLARATION OF MICHAEL R. JOHNSON IN SUPPORT OF DEFAULT
CERTIFICATE AND DEFAULT JUDGMENT AGAINST DEFENDANT
BELLA ELEGANCE LLC**

I, Michael R. Johnson, declare as follows:

² The Defendants named in the Complaint are ACEY LIVESTOCK, LLC; MICHAEL ACEY; STAN E. AYERS, JR.; ARNOLD BRAUN TRUST; ARNOLD BRAUN; ROBERT BRAUN; BAR D RANCH LAND & CATTLE LLC; N. TERRY DICKS; BARRETT'S LIVESTOCK INC.; DON RALPH BARRETT; **BELLA ELEGANCE LLC**; BIG SEVEN CAPITAL PARTNERS, LLC; DORA BLACKMAN; BRYAN BLACKMAN; EDDIE BRYANT; BRENT BURNETT; JOE BURNETT; TERRY BURNETT; BUSS FAMILY TRUST; EDWIN D. BUSS; DENNIS BUSS; C HEART RANCH, LLC; COLETTE LESH; CARRAWAY CATTLE, LLC; RICHARD CARRAWAY; CURTIS JONES FARMS; DAC83 LLC; ERIC DeJARNATT; DON JONES FARM, INC.; DON JONES TRUCKING, INC.; DUFURRENA CUTTING HORSES; EDWARD LEWIS DUFURRENA; RIETA MAY DUFURRENA; ROBERT ELLIS; MICHAEL EVANS; DOUG FINLEY; GARWOOD CATTLE CO.; JUSTIN GARWOOD; GENE BROOKSHIRE FAMILY, LP; JOEL BROOKSHIRE; GRAY BROTHERS CATTLE; ROBERT GRAY; RONNIE GRAY; JIMMY GREER; GUNGOLL CATTLE, LLC; BRADLEY GUNGOLL; LEAH GUNGOLL; JACE HARROLD; HINES CATTLE COMPANY, LLC; HINES FARMS, LLC; A.J. JACQUES LIVING TRUST; CORY JESKO; DWIGHT JESKO, JOANN & KEITH BROOKS d/b/a BROOKS FARMS; LARRY KEITH; DUSTIN JOHNSON; DAVID JOHNSON; KINSEY JONES; KINGDOM TRUST; JAMES MCCUAN; KEITH HARRIS; JANICE LAWHON; JAN LESH; MORRISON CAFÉ, LLC; LESH FAMILY TRUST; GARY LESH; JARED LESH; JORDAN LESH, LLC; LFC CATTLE; CHARLES LOCKWOOD; COLE LOCKWOOD; SHERLE LOCKWOOD; NIKKI LOCKWOOD; MAP ENTERPRISES; MIKE GOURLEY; NATALIE MARTUS; JEAN NIX; OPEN A ARENA LLC; BARRY PHILLIPS; DREW PHILLIPS; PRIEST CATTLE COMPANY LTD; PRIEST VICTORY INVESTMENT LLC; CHRISTOPHER PRINCE; PRODUCERS LIVESTOCK COMMISSION; SONNY BARTHOLD; DAVID RAINEY; RAPP RANCH; MARK J. REISZ; RALPH REISZ; RIDGEFIELD CAPITAL ASSET MANAGEMENT; JIM GIORDANO; RILEY LIVESTOCK, INC.; ANGIE ROBINSON; RICK RODGERS; STEVE RYAN; JIM RININGER; SCARLET & BLACK CATTLE, LLC; COLTON LONG; SCOTT LIVESTOCK COMPANY; SHAW & SHAW FARMS PARTNERSHIP LLC; THE UNIVERSITY OF FLORIDA; ROBERT J. SPRING; STARNES CATTLE; JEFF STARNES; EDDIE STEWART; ROBERT STEWART; RACHEL STEWART; SCOTT E. STEWART; STEVE T SCOTT FARMS, INC.; JUSTIN STUEVER; PHILLIP SULLIVAN; AMY SUTTON; CRAIG SUTTON; TGF RANCH LLC; TOM FRITH; THORLAKSON DIAMOND T FEEDERS, L.P.; JOHN TIDWELL; MYKEL TIDWELL; TINDAL TRUCK SALES; JOHN TINDAL; JANET VANBUSKIRK; LYNDAL VANBUSKIRK; SUSAN VAN BUSKIRK; COLBY VANBUSKIRK; CAMERON WEDDINGTON; NANCY WEDDINGTON; WILLIAM WEDDINGTON; WILDForest CATTLE COMPANY LLC; WILEY ROBY RUSSELL, JR. as TRUSTEE OF THE W. ROBBIE RUSSELL LIVING TRUST; WJ PERFORMANCE HORSES, INC.; JOB WHITE; and KENT RIES, in his capacity as CHAPTER 7 TRUSTEE OF THE DEBTORS' CONSOLIDATED BANKRUPTCY ESTATE.

1. I am an attorney at the law firm of Ray Quinney & Nebeker. I am one of the attorneys of record in this case for Plaintiff Rabo AgriFinance LLC, the Plaintiff in the above captioned Adversary Proceeding (“**Plaintiff**” or “**RAF**”).

2. I am over the age of eighteen years, have personal knowledge of all of the facts set forth herein, and would and could competently testify to those facts if called upon to do so in a court of law.

3. I make this Declaration to provide the Court with an evidentiary basis for the entry of a Default Certificate, and a subsequent Default Judgment, against Defendant Bella Elegance LLC, one of the Defendants in the above captioned Adversary Proceeding (the “**Defendant**”), as requested by Plaintiff in his *Request for Entry of Default Certificate*.

4. On November 30, 2023, Plaintiff filed its First Amended Complaint for Declaratory Relief (“**Complaint**”). [Dkt. 3.]

5. On December 4, 2023, the Complaint and the duly issued Summons dated December 1, 2023, were mailed via certified mail, return receipt requested, and first-class mail, to the last known address of the Defendant c/o Job E. White at 10216 SW 49 Lane, Gainesville, FL 32608.

6. The above noted address in Gainesville, Florida is the same address as the Defendant listed on its Dealer Trust Notification Section 318 (7 U.S.C. 181-229) (the “**Dealer Trust Claim**”) filed with the United States Department of Agriculture, Packers & Stockyards Division. A copy of the Dealer Trust Claim can be provided to the Court upon request.

7. On December 21, 2023, the Plaintiff filed its Proof of Service of Summons and Complaint on the Defendant. [Dkt. 65.]

8. The Defendant was to file and serve its answer or other appropriate response by no later than January 2, 2024.

9. Defendant has failed to appear and answer or otherwise respond to the Plaintiff's Complaint on file in this action, and the time for doing so has now expired.

10. Because Defendant has failed to file an answer or otherwise respond to Plaintiff's Complaint within the time-period allowed by law, on April 3, 2024, the Plaintiff filed its Request for Default Certificate and pending Default Certificate with the Clerk of the Court.

11. Plaintiff's Complaint seeks a Declaratory Judgment only against Defendant. No money damages are requested. Further, while the Complaint requests numerous declaratory findings from the Court, not all requested declaratory relief findings are necessary as part of the Default Judgment Plaintiff requests.

12. As part of this Motion, Plaintiff requests that the Court's Default Judgment contain the following declaratory findings only:

A. The claim that Defendant filed with the United States Department of Agriculture, Packers & Stockyards Division asserting claims (the "**Dealer Trust Claims**") against McClain Feed Yard, Inc., McClain Farms, Inc, 7M Cattle Feeders, Inc. and/or Brian McClain (collectively, the "**McClain Debtors**") under 7 U.S.C. § 217b (the "**Dealer Trust Statute**") is not a valid claim under the Dealer Trust Statute.

B. Defendant's Dealer Trust Claims are not valid and are not payable under the Dealer Trust Statute.

C. Defendant is not entitled to any funds or payments as a trust fund claimant or secured creditor under the Dealer Trust Statute.

D. The preliminary decision of the United States Department of Agriculture, Packers & Stockyards Division, to disallow the Defendant's Dealer Trust Claims is affirmed, and Defendant has no rights against the McClain Debtors or their bankruptcy estates under the Dealer Trust Statute.

E. Defendant's rights against the McClain Debtors, their bankruptcy estates and their assets, if any, are junior and inferior to Plaintiff's rights against the McClain Debtors, their bankruptcy estates and their assets.

F. If and to the extent Defendant has claims against the McClain Debtors related to the subject matter of its Dealer Trust Claims, those claims are, at most, general unsecured claims and not secured claims or trust claims.

13. Except as set forth above, all other requests for declaratory relief in Plaintiff's Complaint against this particular Defendant, if any, are unnecessary, should be denied as moot, and should be dismissed.

14. The Defendant is not a natural person and, therefore, Defendant is not in military service.

15. The Defendant is not an infant or incompetent person.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 4th day of April, 2024.

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/s/ Michael R. Johnson

Michael R. Johnson

Attorneys for Rabo AgriFinance LLC

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CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2024, I electronically filed the foregoing **Declaration of Michael R. Johnson in Support of Request for Entry of Default Certificate and Default Judgment against Bella Elegance LLC** with the United States Bankruptcy Court for the Northern District of Texas by using the CM/ECF system which sent notice to registered ECF users in this case. I further certify that on April 4, 2024, I mailed the foregoing via first class mail to the following:

Bella Elegance LLC
c/o Job E. White
10216 SW 49 Lane
Gainesville, FL 32608

/s/ Carrie Hurst